IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1117 OF 2005
IN
NOTICE OF MOTION NO.2926 OF 2005
IN
SUIT NO.2639 OF 2005

Sevaram Ratiram Agarwal Appellant
vs.
1.Jainarayan Ratiram Agarwal & ors. Respondents

Mr.Harendra Toor with Mr.M.V.Aiya i/b.Mr.M.V.Aiya for the appellant.

Mrs.Veena Thadani for the respondent.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 23rd December 2005

P.C.

Heard Mr.Harendra Toor, the learned counsel for the appellant and Mrs.Veena Thadani, the learned counsel for the respondents.

2. It is true that the licence FL-II-62 and CL/FL-III-115 is in the name of the appellant, but the overwhelming material placed by the learned counsel for the respondents before us clearly show that the respondent no.1 has been carrying on the business of retail sale of foreign and country liquor under the subject licence. As a matter of fact there is application made by the appellant to the Collector for

transfer of the licence in the name of the respondents. There is indemnity bond. The case of the appellant is that all these documents were executed when he was under tremendous pressure and tension and while he was facing criminal case. At the ad-interim stage, it is very difficult to discard these documents.

3. In the circumstances, the motion Judge cannot be said to have erred in refusing to grant any temporary injunction.

4. Appeal is dismissed in limine.

(R. M. LODHA, J.)

(D. G. KARNIK, J.)